(*Chapter I.—Definitions.*)

MADRAS ACT No. I OF 1891.[1]

[THE MADRAS GENERAL CLAUSES ACT, 1891.]

[*3rd April* 1891 ; *14th May* 1891.]

An Act for further shortening the language used in [2][Madras Acts] and for other purposes.

WHEREAS it is expedient to further shorten the language used in [3][Madras Acts made] and to make certain further provisions relating to those Acts ; It is hereby enacted as follows :—

Short title. **1.** (*a*) This Act may be called the Madras General Clauses Act, 1891 ; and

Commencement. (*b*) It shall come into force on the first day of January 1892.

Saving clause. **2.** Notwithstanding anything contained in the Madras General Clauses Act, 1867, the provisions of that Act shall not apply to this Act or to any [4][Madras Act] which may be passed subsequent to the commencement of this Act. Mad. Act I of 1867.

CHAPTER I.

Definitions.

Definitions. **3.** In this Act and in every [5][Madras Act made] after the commencement of this Act, unless there be something repugnant in the subject or context,—

"Abet." (1) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code : Central Act, XLV of 1860.

"Barrister." (2) "barrister" shall mean a barrister of England or Ireland or a member of the Faculty of Advocates in Scotland :

(3) [6][. . . .]

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[1] For Statement of Objects and Reasons, *see Fort St. George Gazette* Supplement, dated 3rd March, 1891, p. 5 ; for Report of the Select Committee, *see ibid*, dated 10th *idem*, p. 1 ; for Proceedings in Council, *see ibid*, dated 10th *idem*, p. 2, and *ibid*, dated 7th April, 1891 p. 1.

[2] These words were substituted for the words "Acts of the Governor of Fort St. George in Council" by the Adaptation (Amendment) Order of 1950.

[3] These words were substituted for the words "Acts made by the Governor of Fort St. George in Council" by the Adaptation Order of 1937.

[4] These words were substituted for the words "Act of the Governor of Fort St. George in Council" by *ibid*.

[5] These words were substituted for the words "Act made by the Governor of Fort St. George in Council" by *ibid*.

[6] Clause (3) was omitted by *ibid*.

(4) "Chapter;" "part," "section" and "schedule" shall mean respectively a Chapter, part and section of, and schedule to, the Act in which the word occurs : "Chapter," "part," "section" and "schedule."

(5) "City of Madras" shall mean such local area as is declared from time to time to be the City of Madras under any Act for the time being in force relating to the municipal affairs of such city : "City of Madras."

(6) "Collector" shall include every officer who, for the time being, is authorized to exercise the powers of a Collector : "Collector."

(7) "commencement," used with reference to an Act, shall mean the time at which the Act comes into force : "Commencement."

(8) "District Collector" shall mean the chief local officer in charge of the revenue administration of a district : "District Collector."

(9) "document" shall mean any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter : "Document."

(10) "financial year" shall mean the year commencing on the first day of April ; "Financial year."

(11) nothing is said to be done or believed in "good faith" which is done or believed without due care and attention : "Good faith."

[1][(12) . . . . .]

[2][(13) . . . . .]

(14) "immovable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth : "Immovable property."

(15) "imprisonement" shall mean imprisonment of either description as defined in the Indian Penal Code : "Imprisonment."

Central Act, XLV of 1860.

[3][(15-A) . . .]

(16) "judicial proceeding" shall mean any proceeding in the course of which evidence is, or may be, legally taken : "Judicial proceeding."

(17) "local authority" shall mean a Municipal Committee, District Board, body of Port Commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund : "Local authority."

[4][(17a) "Madras Act" shall mean an Act made by the Governor of Fort St. George in Council under the Indian Councils Acts, 1861 to 1909 or any of those Acts, or the Government of India Act, 1915, or by the Local Legislature or the

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1 Clause (12) was omitted by the Adaptation Order of 1937.
2 Clause (13) was omitted by the Adaptation (Amendment) Order of 1950.
3 Clause (15-A) was omitted by the Adaptation Order of 1937.
4 Clause (17a) was inserted by *ibid.*

Governor of the Presidency of Madras under the Government of India Act[1] (or by the Provincial Legislature of Madras under the Government of India Act, 1935, or by the Legislature of the State of Madras under the Constitution):]

"Magistrate." (18) "Magistrate" shall mean any person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure), 1882[2]:

"Movable property." (19) "movable property" shall mean property of every description except immovable property :

"Oath," "swear" and "affidavit." (20) "oath," "swear" and "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing :

"Offence." (21) "offence" shall mean any act or omission made punishable by any law for the time being in force :

"Person" (22) "person" shall include any company or association of individuals, whether incorporated or not :

"Place." (23) "place" includes also a house, building, tent and vessel :

[3][(24) . . .]:

"Presidency town." (25) "Presidency-town" shall mean the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Judicature at Madras :

"Public." (26) "public" includes any class of the public or any community :

"Public nuisance." (27) "public nuisance" shall have the meaning assigned to that expression in section 268 of the Indian Penal Code : Central Act XLV of 1860.

"Registered." [4][(28) "registered", used with reference to a document, shall mean registered in a Part A State or a Part C State under the law for the time being in force for the registration of documents :]

"Sign." (29) "sign," with its grammatical variations and cognate expressions, shall with reference to a person who is unable to write his name, include "mark" with its grammatical variations and cognate expressions :

"Son" and "father." (30) in the case of any one whose personal law permits adoption, "son" shall include an adopted son, and "father" an adoptive father :

"Sub-section." (31) "sub-section" shall mean a sub-section of the section in which the word occurs :

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[1] These words were substituted for the words "or by the Provincial Legislature or the Governor of Madras under the Government of India Act, 1935" by the Adaptation (Amendment) Order of 1950.

[2] *See* now the Code of Criminal Procedure, 1898 (Central Act V of 1898).

[3] Clause (24) was omitted by the Adaptation Order of 1937.

[4] This clause was substituted for the original clause (28) by the Adaptation (Amendment) Order of 1950.

(Chapter I—Definitions. Chapter II.—General Provisions applicable to future Acts.)

(32) " value," used with reference to a suit, shall mean the amount or value of the subject-matter of the suit, computed according to the law for the time being in force regulating the valuation of suits for purposes of jurisdiction : " Value."

(33) " will " shall include a codicil and every writing making a voluntary posthumous distribution of property : " Will."

(34) words importing the masculine gender shall include females : Gender.

(35) words in the singular shall include the plural, and words in the plural shall include the singular : Number.

(36) words which refer to acts done extend also to illegal omissions : Illegal omissions.

(37) " writing," with its grammatical variations and cognate expressions, shall include " printing," " lithography," " photography," with their grammatical variations and cognate expressions, and other modes of representing or reproducing words in a visible form : " Writing."

(38) " year " and " month " shall, respectively, mean a year and month reckoned according to the British calendar. " Year " and " month."

CHAPTER II.

General Provisions applicable to future Acts.

Application of Chapter II to all future Acts.

4. This Chapter shall apply to all [1][Madras Acts made] after the commencement of this Act, unless a contrary intention appears in such Acts.

Commencement of future Acts.

[2][**5.**[3] [(1) Where any Act to which this Chapter applies is not expressed to come into operation on a particular day, then, it shall come into operation on the day on which the assent thereto of the Governor, the Governor-General or the President, as the case may require, is first published in the Official Gazette.]

(2) In every such Act the date of such publication as aforesaid shall be printed either above or below the title of the Act and shall form part of the Act.]

Making of rules and issue of orders between passing and commencement of Act.

6. Where, by an Act to which this Chapter applies and which is not to come into force immediately on the passing thereof, a power is conferred on Government or other authority to make rules, or to issue orders, with respect to the application of the Act, or with respect to the appointment of any officer thereunder, such power may be exercised at any time after the passing of the Act, but rules or orders so made or issued shall not take effect till the commencement of the Act.

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[1] These words were substituted for the words " Acts made by the Governor of Fort St. George in Council " by the Adaptation Order of 1937.

[2] This section was substituted for the original by *ibid.*

[3] This sub-section was substituted for sub-section (1) by the Adaptation (Amendment) Order of 1950.

(Chapter II.—General Provisions applicable to future Acts.)

Provisions regulating the making of rules after previous publication.

7. Where, by an Act to which this Chapter applies, a power to make rules is expressed to be given, subject to the condition of the rules being made after previous publication, the following provisions shall apply, namely :—

Publication of draft rules.

(*a*) the authority having the power to make the rules shall, before making them, publish a draft of the proposed rules ;

Manner of publication.

(*b*) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the [1] [Central Government or, as the case may be, the [2](State) Government] prescribes ;

Notice to accompany draft rules.

(*c*) there shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration ;

Consideration of suggestion in regard to draft rules.

(*d*) the authority having power to make the rules, and, where the rules are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules from any person with respect to the draft, before the date so specified ;

Publication to be proof of due making of rules.

(*e*) the publication in the [3][Official Gazette] of a rule purporting to have been made in exercise of a power to make rules after previous publication, shall be conclusive proof that the rule has been duly made.

Effect of repealing an Act.

8. Where any Act, to which this Chapter applies, repeals any other enactment, then the repeal shall not—

(*a*) affect anything done or any offence committed, or any fine or penalty incurred or any proceedings begun before the commencement of the repealing Act ; or

(*b*) revive anything not in force or existing at the time at which the repeal takes effect ; or

(*c*) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed ; or

(*d*) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed ; or

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[1] These words were substituted for the word " Government " by the Adaptation Order of 1937.

[2] This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

[3] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

(*e*) affect any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed ; or

(*f*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, fine, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such fine, penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

Effect of repeal of Act making textual amendment in previous Act.

[1] [8-A. Where any Act to which this Chapter applies, repeals any enactment by which the text of any previous enactment was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.]

Revival of repealed enactments.

9. In any Act to which this Chapter applies—

(*a*) for the purpose of reviving, either wholly or partially, an Act or Regulation, wholly or partially repealed, it shall be neces sary expressly to state such purpose ;

Commencement of term.

(*b*) for the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word "from" ;

Termination of term.

(*c*) for the purpose of inculding the last in a series of days or any other period of time, it shall be sufficient to use the word "to" ;

Application to subordinates of law relative to official superiors.

(*d*) for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully executing the duties of such office in the place of their superior, it shall be sufficient to prescribe the duty of the superior ;

Application of law to successors of functionaries and corporations.

(*e*) for the purpose of indicating the relation of a law to the successors of any functionaries, or of corporations having perpetual succession, it shall be sufficient to express its relation to the functionaries or corporations ; and

Application of law to persons for time being filling an office.

(*f*) for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, it shall be sufficient to mention the official title of the officer, at present executing such functions, or that of the officer by whom the functions are commonly executed.

[1] Section 8-A was inserted by the Madras General Clauses (Amendment) Act, 1936 (Madras Act IV of 1937).

(Chapter II.—General Provisions applicable to future Acts.
Chapter III.—General Provisions applicable to all Acts.)

Expressions used in rules, bye-laws and orders to have same meaning as in Act under which they are made or issued.

10. Where an Act, to which this Chapter applies, confers power to make rules or bye-laws or to issue orders, expressions used in such rules, bye-laws or orders, have the same respective meanings as in the Act conferring the power.

Necessary extension of prescribed periods.

11. Where, by an Act to which this Chapter applies, any act or proceeding is directed or allowed to be done or taken in a Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceedings shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open.

This section does not apply to any act or proceeding to which the Indian Limitation Act, 1877,[1] applies. Central Act XV of 1877.

CHAPTER III.

General Provisions applicable to all Acts.

Application of Chapter III to all Acts.

12. This Chapter shall apply to all [2] [Madras Acts made] unless a contrary intention appears in any such Act, but it shall not affect anything done or commenced prior to the commencement of this Act under any enactment now in force.

When powers and duties to be exercised and performed.

13. Where an Act confers a power or imposes a duty, then the power may be exercised and the duty shall be performed from time to time as occasion requires.

Exercise of power and performance of duty by temporary holder of office.

14. Where an Act confers a power or imposes a duty on the holder of an office, as such, then the power may be exercised and the duty shall be performed by the holder for the time being of the office.

Revocation and alteration of rules, bye-laws and orders.

15. Where an Act confers a power to make any rules or bye-laws, or to issue orders, the power shall be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend or vary the rules, bye-laws or orders.

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[1] See now the Indian Limitation Act, 1908 (Central Act IX of 1908).

[2] These words were substituted for the words " Acts made by the Governor of Fort St. George in Council " by the Adaptation Order of 1937.

(*Chapter III.—General Provisions applicable to all Acts.*)

Duty leviable *pro rata.*

16. Whenever by an Act any duty of customs or excise or in the nature thereof is leviable on any given quantity, by weight, measure or value, of any goods or merchandise, a like duty shall be leviable according to the same rate on any greater or less quantity.

Mode of conferring powers and imposing duties.

17. Whenever by an Act authority is given to confer powers or impose duties, such powers may be conferred or duties imposed by name or by office or on classes of officials generally by their official titles.

References to provisions in Acts repealed and re-enacted.

18. Where an Act repeals and re-enacts, with or without modification, all or any of the provisions of a former Act, references in any other Act to the provisions so repealed shall be construed as references to the provisions so re-enacted, and if notifications have been published, proclamations or certificates issued, powers conferred, forms prescribed, local limits defined, offices established, orders, rules and appointments made, engagements entered into, licences or permits granted, and other things duly done, under the provisions so repealed, the same shall be deemed, so far as the same are consistent with the provisions so re-enacted, to have been respectively published, issued, conferred, prescribed, defined, established, made, entered into, granted or done under the provisions so re-enacted.

Recovery of fines.

Central Act XLV of 1860.

19. The provisions of sections 63, 68, 69 and 70 of the Indian Penal Code shall apply to all fines imposed under the authority of any Act.

Punishment for offences under more than one enactment.

20. Where an act or omission constitutes an offence under two or more enactments, the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same act or omission.

Publication of orders and notifications in the Official Gazette.

21. Where in any Act, or in any rule passed under any Act, it is directed that any order, notification or other matter shall be notified or published, such notification or publication shall, unless the Act otherwise provides, be deemed to be duly made if it is published in the [1] [Official Gazette].

Determination of the times at which Acts or provisions of Acts extended or applied by Government to certain places shall come into force.

22. When, by an Act [2][any Government] is empowered to extend or apply an Act or any provision of an Act to any place in, or to any portion of, the [3][State], the Government may, in any order extending or applying such Act or provision or in a subsequent order, notify the time at which the same

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[1] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

[2] These words were substituted for the word "Government" by *ibid.*

[3] The word "Province" was substituted for the words "Presidency of Madras" by the Adaptation Order of 1937 and the word "State" was substituted for "Province" by the Adaptation Order of 1950.

(Chapter III.-- General Provisions applicable to all Acts.
Chapter IV.—Application to Ordinances and Regulations.)

shall come into force in the place or portion of the [1][State] to which it is so extended or applied ; and, unless it is otherwise provided in the Act, [2][the Government] may, by notification in the [3][Official Gazette] from time to time postpone the time at which the Act or provision shall come into force in such place or portion of the [1][State] or cancel the order for extending or applying the same to such place or portion of the [1][State] :

Proviso.

Provided that no order postponing the time at which an Act or provision shall come into force, or cancelling an order for extending or applying the same, shall be made after the Act or provision has actually come into force in the place or portion of the [1][State] to which such order relates.

[4]CHAPTER IV.

APPLICATION TO ORDINANCES AND REGULATIONS.

Application of Act to Regulations and Ordinances.

[5][**23.** The provisions of this Act shall apply—

(*a*) in relation to any Regulation made by the Governor under section 92 of the Government of India Act, 1935, in like manner as they apply in relation to Madras Acts made by the Provincial Legislature ; and

(*b*) in relation to any Ordinance promulgated by the Governor under article 213 of the Constitution or any Regulation made by him under paragraph 5 of the Fifth Schedule to the Constitution, in like manner as they apply in relation to Madras Acts made by the State Legislature :

Provided that sub-section (1) of section 5 of this Act shall apply to any Ordinance referred to in clause (*b*) as if the reference in that sub-section to the day of the first publication of the assent to an Act in the Official Gazette were a reference instead to the day of the first publication of the Ordinance in that Gazette.]

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[1] The word "Province" was substituted for the word "Presidency" by the Adaptation Order of 1937 and the word "State" was substituted for "Province" by the Adaptation Order of 1950.

[2] These words were substituted for the word "Government" by the Adaptation Order of 1937.

[3] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

[4] Chapter IV was inserted by *ibid.*

[5] This section was substituted for the original section 23 by the Adaptation (Amendment) Order of 1950.